

Remarks

In the Office Action dated September 21, 2004, the Examiner rejected claims 1 and 2 under 35 U.S.C. § 102 as being anticipated by the U.S. patent to Niebling et al. ("*Niebling et al.*") 5,217,563. The Examiner rejected claim 3 under 35 U.S.C. § 103 as being unpatentable over *Niebling et al.*

By this Amendment, Applicants' attorney has canceled the pending claims and has inserted therefor new claims 22-31. Independent claim 22 provides for a molded, painted plastic component having an integrally formed badge. The component includes a formed, prepainted film sheet having top and bottom surfaces defining a badge, where the film sheet is selected from the group consisting of polyester, polycarbonate, and polyurethane. The component further includes a thermoplastic elastomer which forms a structural carrier bonded to the bottom surface of the film sheet to form a unitary laminate painted plastic component and badge. Clearly, such a plastic component is neither taught, disclosed, nor discussed by the references of record, taken either alone or in combination with another, including the U.S. patent to *Niebling et al.*

Briefly, *Niebling et al.* discloses a deep-drawn formed plastic piece including sheet material with a coating selected from the group of ink film, an ink imprint, a vacuum evaporated metallic thin film, and an electrically conductive varnish film. The sheet material has a thickness of between 40 and 2000 microns.

This is to be contrasted with the present invention as now claimed wherein the plastic component includes a formed, painted film sheet and not a sheet material as provided by *Niebling et al.* Such a film sheet is significantly and patentably different from the sheet material of *Niebling et al.*

Furthermore, new independent claim 22 requires a thermoplastic elastomer. *Niebling et al.* merely discloses synthetic resins, such as a transparent synthetic resin.

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Consequently, *Niebling et al.* fails to disclose a thermoplastic elastomer as required by the independent claim. The use of a thermoplastic elastomer increases the durability and strength of the resulting plastic component.

As noted above, *Niebling et al.* fails to disclose a plastic film sheet as required by the independent claim. Rather, *Niebling et al.* requires a cold-stretchable sheet material as shown in each of the independent claims of the corresponding *Niebling et al.* Patent No. 5,108,530. Both *Niebling et al.* patents describe a desirable range of thickness of the sheet material to be about 40 to 2000 mils. Dependent claim 24 requires that the film sheet have a total thickness of .2 mils, which is almost an order of magnitude thinner than the sheet material of *Niebling et al.*

Consequently, the *Niebling et al.* patents fail to disclose a plastic film sheet as only provided by the independent claim 22 of the present application. Again, *Niebling et al.* discloses sheet material having a thickness almost an order of magnitude greater than the preferred thickness of the plastic film sheet of the present invention.


Furthermore, the *Niebling et al.* patents, nor any of the other cited references, either alone or in combination, provide the features of the presently claimed invention.

Consequently, in view of the above and in the absence of better art, Applicants' attorney respectfully submits the application is in condition for allowance, which allowance is respectfully requested.

Respectfully submitted,

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